

E-Filed 4/20/2011

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

HANNAZ, INC.,

Plaintiff,

v.

MERCILINDA CRUZ, EDUARDO CRUZ, et al.,

Defendants.

Case Number 5:10-cv-03354 JF/PSG

ORDER¹ ADOPTING REPORT AND
RECOMMENDATION TO DISMISS
FOR FAILURE TO PROSECUTE

Plaintiff filed an action for unlawful detainer in the Santa Clara Superior Court on May 6, 2010. On July 30, 2010, Defendants removed the case to this Court, and they subsequently filed a cross-complaint. However, neither party filed a case management conference statement or appeared for a scheduled case management conference on January 4, 2011. The Court ordered Plaintiff to show cause why the case should not be dismissed for failure to prosecute. Plaintiff failed to respond to the order. On February 4, 2011, Magistrate Judge Paul S. Grewal ordered that the case be reassigned to a United States District Judge and recommended that the case be dismissed for failure to prosecute pursuant to Fed. R. Civ. P. 41(b). No party has objected to the recommendation.

Pursuant to 28 U.S.C. § 636(b)(1), Fed. R. Civ. P. 72(b), and Civil L.R. 72-3, this Court concurs with and adopts in its entirety Judge Grewal's Report and Recommendation. Accordingly, the action will be dismissed for failure to prosecute. The Clerk shall enter

¹ This disposition is not designated for publication and may not be cited.

1 judgment and close the file.

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3 IT IS SO ORDERED.

4 DATED: April 20,2011

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JEREMY FOGEL
United States District Judge

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CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee of the Office of the Clerk, United States District Court, Northern District of California.

On April 20, 2011, I served a true and correct copy of the attached document to each of the persons hereinafter listed by placing said copy in a postage paid envelope and depositing said envelope in the United States mail, or by placing said envelope in the outgoing mail delivery receptacle located in the Clerk's Office:

Eduardo Cruz
1391 Trestlewood Lane
San Jose, CA 95138

Mercilinda Cruz
Trestlewood Lane
San Jose, CA 95138

DATED: April 20, 2011

For the Court
Richard W. Weiking, Clerk

By: _____/s/
Diana Munz
Courtroom Deputy Clerk